



TC:3600

(A) Identification page(s): 1 page.

Applicant's name: Henri Duong

Application no. 10/669,668

Filing date: 09/23/2003

Title of the invention: America & Europe Reputation Membership For Overseas
Manufacturers, Enterprises, Companies, Representatives..

Name of Examiner: Shannon S. Saliard

Art Unit: 3628

Title of the paper: Appeal Brief

(B) Table of Contents page(s): 20 pages.

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(A) Identification page(s): 1 page.

(B) Table of Contents page(s): 20 pages.

(C) Real party in interest page(s): 1 page.

(D) Related appeals and interferences page(s): 1 page.

(E) Status of claims page(s): 1 page.

(F) Status of amendments page(s): 1 page.

(G) Summary of claimed subject matter page(s): 3 pages.

(H) Grounds of rejection to be reviewed on appeal page(s): 2 pages.

(I) Argument page(s): 3 pages.

(J) Claims appendix page(s): 4 pages.

(K) Evidence appendix page(s): "none".

(L) Related proceedings appendix page(s): "none".

(C) Real party in interest page(s): 1 page.

Applicant's name: Henri Duong

Name of Examiner: Shannon S. Saliard

Supervisory Patent Examiner: John W. Hayes

Patent Appeal Center Specialist: Darlene Brown

and a Court/the Board

(D) Related appeals and interferences page(s): 1 page.

Appellant states that this Appeal Brief is related to a Notice of Appeal filed on 07/14/2007 under Application no. 10/669,668 filing date: 09/23/2003.

(E) Status of claims page(s): 1 page.

Appellant states that claims 1-3 and 7-9 were canceled, claims 4-6 are under appeal.

(F) Status of amendments page(s): 1 page.

Appellant states that claims 4-6 are under appeal.

(G) Summary of claimed subject matter page(s): 3 pages.

CLAIMS

Claims 1-3 and 7-9 (canceled)

Claim 4 (which refers to specification in the application by reference characters [0019] paragraph on page no. 4 and [0012] to [0017] drawings page no. 3)

What I claim as my invention is: Basis and process of materializing to make use “reputation”, “image” and overseas connection of a country as the United States of America, Europe and/or any other “famous” country where one establishes an office or “association” in/from this original country to collect foreign members in other countries for benefiting such overseas connection comprising “that value” exporting through membership basis.

Claim 5 (which refers to specification in the application by reference characters [0020] to [0035] paragraphs on pages no. 4-6 and [0012] to [0017] drawings page no. 3)

What I claim as my invention is: Basis of materializing and process for creating overseas “reputation”, “image” and connection as an appreciation/a sort of advertisement leading to augment business activities comprises to establish a local office namely; “America & Europe Reputation Membership Association” in a country as the United States of America, Europe and/or equivalent uniquely for overseas manufacturers, enterprises, companies, representatives, organizations, supermarkets, business groups, business with employees and others as foreign members to take advantages of/benefit comprising that value based on such particular reputation connection overseas through membership basis that foreign royalties being collected through local office to state government as export business and business activities of the above-cited foreign companies augmenting on the result of issuing “reputation value” materials comprising overseas certificates of membership as for convincing clients’ confidence, reliability and support on their companies as a method of increasing business

income grounds, in characteristic including:

- establishing an office as “America(n) & Europe(an) Reputation Membership Association” or equivalent in U. S. A., Europe and/or any other “famous” country for making use “image, reputation” of that country to export its value to foreign members in other countries by collecting foreign currencies on royalty through membership basis,
- foreign members receiving certificates of membership, authorization to use trademarks, emblems, symbols, name and address of said “association”, etc on royalty basis,
- foreign members receiving certificates of membership issued by that American & European reputation “association” signifying “reputation value” of America & Europe or equivalent grounds,
- foreign reputation members receiving authorization from that reputation “association” to benefit comprising the use of trademarks, emblems, symbols, names and address of said “association“, etc printed in their correspondence letter-heads, catalogs, advertisements, cards, etc overseas grounds,
- foreign reputation members receiving authorization from that reputation “association” to have membership hallmarks, badges, labels, stamps, signs, representations, logos, marks, flags, tokens, etc produced in advertisement use overseas grounds,
- foreign reputation members receiving membership statements from that reputation “association” for protecting and maintaining “reputation value” of America & Europe or equivalent in using overseas grounds,
- foreign reputation members remitting royalties timely to “America(n) & Europe(an) Reputation Membership Association” or equivalent for receiving required documentation to maintain their membership on “reputation value” of America & Europe or equivalent,
- there acting no business transaction, deal between that reputation “association” and foreign members except for reputation membership so said “association” taking no responsibility on any activities of foreign company members overseas grounds,
- “reputation value and overseas connection” obtained from said “membership association” at reasonable royalty to be more affordable than considerable expenses of similar subsidiary office(s) established overseas grounds,
- the invention referring to claim 5 wherein the invention policy operating from one

country to other countries based on “reputation value” of that country to be exported by intermediate of local “association” office to foreign company members through membership basis, excluding:

- local/state membership associations and chambers functioning membership activities in the same country,
- head office (or subsidiary companies) being established in their own country having their subsidiary companies, etc (or head office) in foreign countries having business links, deals, commercial activities or shareholder(s),
- local companies and agents having their foreign suppliers, exporters and importers in foreign countries dealing in business as well as commercial activities, and
- exporters, importers or diplomatic offices in official business, shipping companies in foreign shipping business or banks in foreign banking business.

Claim 6 (which refers to specification in the application by reference characters [0036] paragraph on page no. 6-7)

What I claim as my invention is: As parts of the invention(s), the invention(s) and claims include the original elements, idea of the invention, basis of invention, grounds, the base, contents, illustrations, composition, function, structure, method and process of making, any policy and facility for operating, establishment, production, materializing, export, putting cited process into practice, connection, using of the invention, specific and extra uses of the invention, selling/offering for sale the invention products, addition/reduction part/unit of the invention, any other structures, modifications, substitutes in any forms, replacement of parts and of language being assembled for performing same/similar function referring to the original fundamentals of the invention to the same effect, functioning the invention as whole/a part of business activities in any association/company under any names with/without collecting fee, any other business affecting interests of the invention and/or combining the invention with other entity, system, policy and/or others being in the scope of the protection of the invention, using the invention everywhere.

(H) Grounds of rejection to be reviewed on appeal page(s): 2 pages.

Claim rejections - 35 USC. 112

1. Claim 5 is objected because it improperly depends upon itself.

- Appellant's amended claim 5 recites a new business line depending upon its original basis and invention created by applicant.

2. Claims 4-6 are rejected; claims contain the subject matter which was not described in the specification for the invention in claim(s), specification is unclear of how to make or use the invention of membership association.

- Appellant's amended claims 4-6 recite the subject matter both in the specification and claims of how to make or use the invention.

3. The specification shall conclude at least one claim particularly points out claiming the subject matter as the applicant regards as his invention.

- Appellant's rewritten claims 4-5 recite that at least one claim points out claiming the subject matter particularly as the applicant's invention among these claims.

4. Claims 4-6 are written in a very confusing and vague manner

- Appellant's rewritten claims 4-6 recite claims in a manner clear enough to define the invention.

5. The claims are indefinite, they appear a literal translation into English from a foreign document, further the claims appear to be direct copies of portions of the narrative language of the specification.

- Appellant's rewritten claims 4-6 recite pointing out clearly a created business line. The specification is written in a complete process of making, using the invention and contents being shortened into one sentence form in the claims as needed.

6. Claims 4-6 are rejected, the structure goes to make up the device must be clearly and

positively specified, it must be organized to present a complete operative device in one sentence form.

- Appellant's rewritten claims 4-6 recite defining the subject matter clearly in a complete operative device in one sentence form.

7. Claims 5-6 are rejected being indefinite that it fails to point out what is included or excluded by the claim language.

- Appellant's rewritten claim 5 recites to point out what is excluded by the claim language.

8. Claim 4 is rejected, it recites the limitation "that value" in line 4.

- Appellant's amended claim 4 recites "comprising that value" and other detailed benefits cited in the claim.

9-10. Claims 4-6 are rejected, "an association" does not fall in the statutory classes of patentable subject matter, a patentable invention is "useful arts" as machine, manufacture, process or composition of matter producing a concrete, tangible, useful result and that the process of claims 4-5 failing to include the steps necessary as required.

- Appellant's amended claims 4-5 recite "a new business line", its process of making and how to operate it in necessary steps, which produces both extra income for foreign companies and foreign currency collection for local country based on useful result of the created line by "reputation" office being established in operation.

11. Applicant's amendment necessitated the new grounds of rejection presented in this office action.

- Appellant's amended claims 4-6 are rewritten to present a created workable business line both in process and operation grounds as required.

(I) Argument page(s): 3 pages.

1. Claim 5 is objected because it improperly depends upon itself.

- Appellant resubmitted claim 5 as amended to recite a created new business line depending upon its basis and invention created by applicant.

2. Claims 4-6 are rejected; claims contain the subject matter which was not described in the specification for the invention in claim(s), specification is unclear of how to make or use the invention of membership association.

- Appellant explains that amended claims 4-6 recite the subject matter both in the specification and claims of how to make or use the invention.

3. The specification shall conclude at least one claim particularly points out claiming the subject matter as the applicant regards as his invention.

- Appellant states that amended claims 4-6 recite at least one claim to point out the subject matter particularly claiming as the applicant's invention among these claims.

4. Claims 4-6 are written in a very confusing and vague manner

- Appellant states that amended claims 4-6 recite in a manner clear enough to define the invention.

5. The claims are indefinite, they appear a literal translation into English from a foreign document, further the claims appear to be direct copies of portions of the narrative language of the specification.

- Appellant states that amended claims 4-6 recite pointing out clearly a created business line. The specification is written in a complete process of making, using the invention and its contents being shortened into one sentence form in the claims as needed and that the original idea was written in applicant's mother language translated into English.

6. Claims 4-6 are rejected, the structure goes to make up the device must be clearly and

positively specified, it must be organized to present a complete operative device in one sentence form.

- Appellant states that amended claims 4-6 recite defining the subject matter clearly in a complete operative device in one sentence form.

7. Claims 5-6 are rejected being indefinite that it fails to point out what is included or excluded by the claim language.

- Appellant states that amended claim 5 recites in pointing out what is excluded by the claim language.

8. Claim 4 is rejected, it recites the limitation “that value” in line 4.

- Appellant states that amended claim 4 recites “comprising that value” and other detailed benefits cited in the claim.

9-10. Claims 4-6 are rejected, an association does not fall in the statutory classes of patentable subject matter, a patentable invention is “useful arts” as machine, manufacture, process or composition of matter producing a concrete, tangible, useful result and that the process of claims 4-5 failing to include the steps necessary as required.

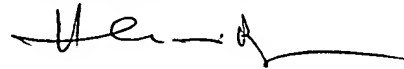
- Appellant states that amended claims 4-6 recite “a new business line”, its process of making and how to operate it in necessary steps, which produces both extra income for foreign companies and foreign currency collection for local country based on useful result of the created line handled by “reputation” office being established in operation grounds.

11. Applicant’s amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

- Appellant states that amended claims 4-6 were rewritten as required and do you consider that the Examiner made this action final so early that the appellant must overpay extra fees as Notice of Appeal and Appeal Brief during which the required amendment in claim(s) has to be made?

Your Advisory Action Before the Filing of an Appeal Brief of 04/15/2008 stating that it does not place the application in condition for allowance because the claims are rejected under 101, because they are directed to non-statutory subject matter. A "basis" as recited in the claims is considered to be an abstract idea and thus does not meet the requirement of USX 101. Further, the claims are generally narrative and indefinite failing to conform to US practice. The claims are also replete with grammatical and idiomatic errors.

- Appellant argues and cites that amended claims 4-6 recite "a new business line" and how to operate it in necessary steps transformed from its basis and process of making into practice; this explains that the subject matter can be materialized in a business line to be a useful matter as patentable requirement by bringing profits both to state government through local "reputation" office in collecting foreign royalty currencies and to foreign membership companies in augmenting business activities based on overseas "reputation" and connection through as "A.E.R.M.A"; "America(n) & Europe(an) Reputation Membership Association" grounds.



(J) Claims appendix page(s): 4 pages.

CLAIMS

Claims 1-3 and 7-9 (canceled)

Claim 4

What I claim as my invention is: Basis and process of materializing to make use “reputation”, “image” and overseas connection of a country as the United States of America, Europe and/or any other “famous” country where one establishes an office or “association” in/from this original country to collect foreign members in other countries for benefiting such connection comprising “that value” exporting through membership basis.

Claim 5

What I claim as my invention is: Basis of materializing and process for creating overseas “reputation”, “image” and connection as an appreciation/a sort of advertisement leading to augment business activities comprises to establish a local office namely; “America & Europe Reputation Membership Association” in a country as the United States of America, Europe and/or equivalent uniquely for overseas manufacturers, enterprises, companies, representatives, organizations, supermarkets, business groups, business with employees and others as foreign members to take advantages of/benefit comprising that value based on such

particular reputation connection overseas through membership basis that foreign royalties being collected through local office to state government as export business and business activities of the above-cited foreign companies augmenting on the result of issuing “reputation value” materials comprising overseas certificates of membership as for convincing clients’ confidence, reliability and support on their companies as a method of increasing business income grounds, in characteristic including:

- establishing an office as “America(n) & Europe(an) Reputation Membership Association” or equivalent in U. S. A., Europe and/or any other “famous” country for making use “image, reputation” of that country to export its value to foreign members in other countries by collecting foreign currencies on royalty through membership basis,
- foreign members receiving certificates of membership, authorization to use trademarks, emblems, symbols, name and address of said “association”, etc on royalty basis,
- foreign members receiving certificates of membership issued by that American & European reputation “association” signifying “reputation value” of America & Europe or equivalent grounds,
- foreign reputation members receiving authorization from that reputation “association” to benefit comprising the use of trademarks, emblems, symbols, names and address of said “association”, etc printed in their correspondence letter-heads, catalogs, advertisements, cards, etc overseas grounds,
- foreign reputation members receiving authorization from that reputation “association” to have membership hallmarks, badges, labels, stamps, signs, representations, logos, marks, flags, tokens, etc produced in advertisement use overseas grounds,

- foreign reputation members receiving membership statements from that reputation “association” for protecting and maintaining “reputation value” of America & Europe or equivalent in using overseas grounds,

- foreign reputation members remitting royalties timely to “America(n) & Europe(an) Reputation Membership Association” or equivalent for receiving required documentation to maintain their membership on “reputation value” of America & Europe or equivalent grounds,

- there acting no business transaction, deal between that reputation “association” and foreign members except for reputation membership so said “association” taking no responsibility on any activities of foreign company members overseas grounds,

- “reputation value and overseas connection” obtained from said “membership association” at reasonable royalty to be more affordable than considerable expenses of similar subsidiary office(s) established overseas grounds,

- the invention referring to claim 5 wherein the invention policy operating from one country to other countries based on “reputation value” of that country to be exported by intermediate of local “association” office to foreign company members through membership basis, excluding:

- local/state membership associations and chambers functioning membership activities in the same country,

- head office (or subsidiary companies) being established in their own country having their subsidiary companies, etc (or head office) in foreign countries having business links, deals, commercial activities or shareholder(s),

- local companies and agents having their foreign suppliers, exporters and importers in

foreign countries dealing in business as well as commercial activities, and

- exporters, importers or diplomatic offices in official business, shipping companies in foreign shipping business or banks in foreign banking business.

Claim 6

What I claim as my invention is: As parts of the invention(s), the invention(s) and claims include the original elements, idea of the invention, basis of invention, grounds, the base, contents, illustrations, composition, function, structure, method and process of making, any policy and facility for operating, establishment, production, materializing, export, putting cited process into practice, connection, using of the invention, specific and extra uses of the invention, selling/offering for sale the invention products, addition/reduction part/unit of the invention, any other structures, modifications, substitutes in any forms, replacement of parts and of language being assembled for performing same/similar function referring to the original fundamentals of the invention to the same effect, functioning the invention as whole/a part of business activities in any association/company under any names with/without collecting fee, any other business affecting interests of the invention and/or combining the invention with other entity, system, policy and/or others being in the scope of the protection of the invention, using the invention everywhere.

(K) Evidence appendix page(s): "none".

(L) Related proceedings appendix page(s): "none".